

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Viborg School District
Accountability Review - Monitoring Report 2010-2011**

Team Members: Chris Sargent, Team Leader; Linda Shirley, Dustin Hinkley, Bev Petersen

Dates of On Site Visit: February 8th, 2011

Date of Report: April 20, 2011

3 month update due: Date Received:

6 month update due: Date Received:

9 month update due: Date Received:

Closed: March 4, 2011

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order

agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

1. GENERAL SUPERVISION

(Statement of non-compliance from report of February 8th, 2005

24:05:17:03. Annual report of children served

Based on documentation submitted, the review team identified two (2) students on the district's child count who did not have an IEP in effect on December 1, 2003 and one (1) student who was counted twice on child count.

Follow-up: February 8th, 2011

Finding: NONE

The December 1st, 2010 child count was verified.

2. GENERAL SUPERVISION

(Statement of non-compliance from report of February 8th, 2005

ARSD 24:05:13:02 FAPE.

The school district must provide a free and appropriate public education (FAPE) to all eligible children with disabilities. The review team determined through file reviews and interviews that the Viborg school district does not provide a free and appropriate public education to early childhood students who attend the district's preschool. Parents of students in the district's early childhood special education program (including two children who were part-time early childhood/part-time early childhood special education & one early childhood student) were charged a fee to attend the district's preschool.

Follow-up: February 8th, 2011

Finding: NONE

Special education services are provided to early childhood students at no cost to parents.

3. GENERAL SUPERVISION

(Statement of non-compliance from report of February 8th, 2005

ARSD 24:05:27:01.01-IEP Team.

Through interviews and file reviews, the monitoring team agrees with the steering committee that administrators need to attend all IEP meetings. However, since four out of fourteen files reviewed did not have an administrator/designee attending IEP meeting, the review team feels that the severity of the problem precludes this being a needs improvement area. Accordingly, this is an area that is deemed to be out of compliance.

Follow-up: February 8th, 2011

Finding: NONE

Required members were present at IEP meetings.

4. GENERAL SUPERVISION

(Statement of non-compliance from report of February 8th, 2005

ARSD 24:05:27:12. Graduation Requirements.

Completion of an approved secondary special education program with regular high school diploma signifies that the student no longer requires special education services. Graduation from high school

With a regular diploma constitutes a change in placement. In two out of two files reviewed, graduation requirements had not been addressed one year prior to graduation.

Follow-up: February 8th, 2011

Finding: NONE

Graduation requirements were addressed one year prior to graduation.

5. GENERAL SUPERVISION

(Statement of non-compliance from report of February 8th, 2005)

ARSD 24:05:28:03 Factors in determining placement

The justification for placement (must include an explanation of the extent, if any to which the child will not participate with non-disabled children in the general classroom and in extracurricular and non-academic activities. In six out of six early childhood files reviewed by the review team, it was determined that justification statements reflected both a non-individualized reason for placement and were identical to all other students in that placement. For example, Early Childhood Special Education Setting: Accepted, as this setting is consistent and structured to meet this student's specific goals and objectives. In addition, the justification statement for placement must reflect an explanation of the need for a more restrictive setting.

Follow-up: February 8th, 2011

Finding: NONE

Justifications for placement statement were adequately documented.